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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/712,039	11/14/2003	Amane Oishi	245441US2	7522
22850	7590	10/14/2005	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			WEISS, HOWARD	
			ART UNIT	PAPER NUMBER
			2814	

DATE MAILED: 10/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/712,039

Applicant(s)

OISHI, AMANE

Examiner

Howard Weiss

Art Unit

2814

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 ~~is~~ are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 ~~is~~ are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>0905</u> . | 6) <input type="checkbox"/> Other: _____ |

Attorney's Docket Number: 245441US2

Filing Date: 11/14/03

Continuing Data: none

Claimed Foreign Priority Date: 5/30/03 (JPX)

Applicant(s): Oishi

Examiner: Howard Weiss

Allowable Subject Matter

1. The indicated allowability of Claims 2, 3, 6, 7 and 8 to 14 is withdrawn in view of the newly discovered reference(s) ~~is~~ cited by the Applicant in the newly submitted IDS filed 9/12/05. Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 4, 6, 8, 9, 11, 12 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Iwata (JP 62-183555).

Iwata shows all aspects of the instant invention (e.g. Figures 1 and 2) including:

- an active area 1 of a MOSFET separated by an element isolation area on a semiconductor substrate (both not shown)
- gate electrodes 2 over the active area and provided to pass over at least one source/drain contact **4a,5a** formed on a surface of the active area at one side of the gate electrode or at diagonal positions
- wherein the gate electrode has a shape to vary so that a gate length decreases increasing a distance from a position of the source/drain contact along the gate electrode and varies in a laterally asymmetrical form

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3, 7 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iwata and Admitted Prior Art (APA).

Iwata shows most aspects of the instant invention (Paragraph 3) except for explicitly showing the MOSFET part of a CMOS inverter and a silicide layer formed as a contact for the source/drain contacts. APA (Figures 12 and 13 and Page 2 Lines 1 to 18) show that it is conventional, and therefore obvious, to put MOSFETs as part of a CMOS inverter **120** and to form a silicide layer for contacts to source/drain contacts **137,138**. It would have been obvious to a person of ordinary skill in the art at the time of invention to 18) to put MOSFETs as part of a CMOS inverter and to form a silicide layer for contacts to source/drain contacts as shown by the ASPA in the device of Iwata since this is conventional in the art.

6. Claims 5 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iwata and Sasa et al. (JP 07-066397)

Iwata shows most aspects of the instant invention (Paragraph 3) except for the gate length varying in a laterally symmetrical form. Sasa et al. teach (e.g. Figures 1 and 3) to vary the gate length in a laterally symmetrical form to increase the hot carrier resistance (see PURPOSE). It would have been obvious to a person of ordinary skill in the art at the time of invention to vary the gate length in a laterally symmetrical form as taught by Sasa et al. in the device of Iwata to increase the hot carrier resistance.

Response to Arguments

7. Applicant's arguments with respect to claims 1 to 14 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

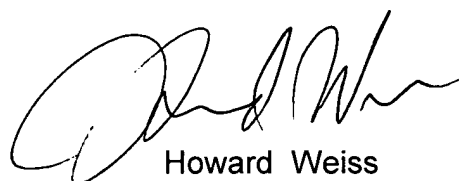
8. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866-217-9197** (toll-free).
9. Papers related to this application may be submitted directly to Art Unit 2814 by facsimile transmission. The faxing of such papers must conform with the notice published in the Official Gazette, 1096 OG 30 (15 November 1989). The Art Unit 2814 Fax Center number is **(571) 273-8300**. The Art Unit 2814 Fax Center is to be used only for papers related to Art Unit 2814 applications.
10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Howard Weiss at **(571) 272-1720** and between the hours of 7:00 AM to 3:00 PM (Eastern Standard Time) Monday through Friday or by e-mail via **Howard.Weiss@uspto.gov**. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wael Fahmy, can be reached on **(571) 272-1705**.

Art Unit: 2814

11. The following list is the Examiner's field of search for the present Office Action:

Field of Search	Date
U.S. Class / Subclass(es): 257/206, 369	thru 10/12/05
Other Documentation: none	
Electronic Database(s): EAST, IEL, STNEasy	thru 10/12/05

HW/hw
12 October 2005



Howard Weiss
Primary Examiner
Art Unit 2814